UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:14-cv-52-FDW

MICHAEL DAVID MORROW,)
Plaintiff,)
vs.	ORDER
RACHAEL M. GROFFSKY, et al.,)
Defendants.)))

THIS MATTER comes before the Court on Plaintiff Michael David Morrow's Motion for Reconsideration, (Doc. No. 14), of this Court's Order dated June 5, 2014, denying Plaintiff's Motion for Rehearing, (Doc. No. 12).

In an order dated April 11, 2014, this Court dismissed without prejudice Plaintiff's action brought under 42 U.S.C. § 1983 as barred by Heck v. Humphrey, 512 U.S. 477 (1994). (Doc. No. 9). On May 29, 2014, Plaintiff filed a motion for rehearing, which this Court construed as a motion to alter or amend under Rule 59(e) of the Federal Rules of Civil Procedure. (Doc. No. 12). By order dated June 5, 2014, this Court denied the motion for hearing. (Doc. No. 13).

Plaintiff has now filed a motion for reconsideration of this Court's order denying the motion for rehearing. Plaintiff contends in his motion for reconsideration that this Court denied his motion "because I fail[ed] to present evidence." (Doc. No. 14 at 1). This argument is without merit, as the Court did not deny his motion for rehearing based on failure to present evidence. Rather, the Court dismissed Plaintiff's action without prejudice on the sole basis that

the action is barred by <u>Heck v. Humphrey</u>. In sum, the Court will deny Plaintiff's motion for reconsideration.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Reconsideration, (Doc. No. 14), is **DENIED**.

Signed: June 23, 2014

Frank D. Whitney

Chief United States District Judge